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on January 2, 2009

PATENT  
Attorney Docket No.: 021756-016000US  
Client Reference No.: OID-2005-243-01

TOWNSEND and TOWNSEND and CREW LLP

By: /Landon Clark/  
Landon Clark

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mary A. Holstege

Application No.: 09/848,987

Filed: May 3, 2001

For: SYSTEM AND METHOD FOR  
MONITORING MULTIPLE ONLINE  
RESOURCES IN DIFFERENT  
FORMATS

Customer No.: 51206

Confirmation No.: 8754

Examiner: Asad M. Nawaz

Art Unit: 2155

REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT  
DETERMINATION

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(b), Applicants respectfully request reconsideration of the patent term adjustment determination. This request is accompanied by the fee set forth in §1.18(e) and a statement of facts as required under 37 C.F.R. § 1.705(b)(2).

**Statement of Facts**

Correct Patent Term Adjustment and Bases Under § 1.702, 1.703, and 1.704 for the Adjustment

The correct patent term adjustment is 994 days, not 657 days as stated on the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) mailed on October 24, 2008.

The period of adjustment under 37 C.F.R. § 1.702(a) is 852 days (“A delay”).

The period of adjustment under 37 C.F.R. § 1.702(b) is to be determined when the instant application issues. The period of adjustment as of the mailing of the Notice of Allowance under 37 C.F.R. § 1.702(b) is 473 days (“B delay”).

The period of overlapping days over the period of adjustments under 37 C.F.R. §§ 1.703(a)-(e) is 136 days.

The period adjustment under 37 C.F.R. § 1.704(a) is 195 days (“applicant delay”).

The relevant dates as specified in 37 C.F.R. §§ 1.703(a)-(e) &  
the adjustment specified in 37 C.F.R. § 1.703(f)

1. § 1.703(a)

Applicants are in agreement with the USPTO determination of a period of adjustment of 852 days (“A delay”) under 37 C.F.R. § 1.703(a). (*See* Exhibit A, attached hereto).

Applicants respectfully request an additional period of adjustment equal to the number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid, January 2, 2009, and all outstanding requirements were satisfied and ending on the date the patent was issued. *See* 37 C.F.R. § 1.703(a)(6).

2. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.702(b) begins on the day after the date that is three years from the filing date of the instant application, May 4, 2004, and ends on the day the patent is issued.

The period of adjustment does not include the period beginning on the date on which an RCE was filed, August 19, 2005. *See* 37 C.F.R. § 1.703(b)(1).

Thus, the effective period of adjustment under 37 C.F.R. § 1.702(b) is 473 days (“B delay”), *i.e.*, from May 4, 2004 to August 19, 2005.

3. § 1.703(c)-(e)

There are no relevant dates as specified under §§ 1.703(c)-(e).

4. Calculation of Overlapping Days under § 1.703(f)

There are 136 days in the overlapping periods under §§ 1.703(a)-(e). The overlapping period is from May 4, 2003 to September 16, 2004.

Applicants request that overlapping periods be determined in accordance with *Wyeth v. Dudas* (Case No. 07-1492, D.D.C. 2008). The periods of delay under 35 U.S.C. §154(b)(1)(A) and 35 U.S.C. §154(b)(1)(B) overlap only if they occur on the same calendar day or days.

As discussed above, Applicants respectfully request an additional period of adjustment equal to the number of days, if any, under 37 C.F.R. § 1.703(a)(6). Any such period of adjustment under 37 C.F.R. § 1.703(a)(6) begins on January 2, 2009 will not overlap with a period of adjustment under 37 C.F.R. § 1.702(b) which does not include the period beginning on May 4, 2004.

Reduction of period of adjustment of patent term under 37 C.F.R. §1.704

Application are in agreement with the U.S. Patent and Trademark Office determination of an adjustment of 195 days (“applicant delay”) under 37 C.F.R. § 1.704(a).

**Patent Term Adjustment Determination**

Applicants are entitled to 994 days of patent term adjustment, *i.e.*,  
[ (A delay (852 days) + B delay (473 days) – overlap (136 days)) minus [195 days (applicant delay)] under 37 C.F.R. § 1.703(f). Applicants are also entitled to any period of adjustment under 37 C.F.R. § 1.703(a)(6).

Mary A. Holstege  
Application No.: 09/848,987  
Request for Reconsideration of Patent Term Adjustment  
Determination filed October 24, 2008

PATENT

Terminal disclaimer

No terminal disclaimer has been filed.

Please charge the fee set forth in 37 C.F.R. §1.18(e) (\$200.00) to Deposit Order Account No. 20-1430. Please charge any necessary additional fees or credit any overpayments to our Deposit Order Account No. 20-1430.

Based on the foregoing, Applicants respectfully request reconsideration of the patent term adjustment determination.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/Naya M. Chatterjee-Marathe/

Naya M. Chatterjee-Marathe  
Reg. No. 54,680

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Attachment: Exhibit A (3 pages)

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09/848,987	SYSTEM AND METHOD FOR MONITORING MULTIPLE ONLINE RESOURCES IN DIFFERENT FORMATS	12-22-2008::17:10:30
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/848,987			
Filing or 371(c) Date:	05-03-2001	USPTO Delay (PTO) Delay (days):	852
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	195
Post-Issue Petitions (days):	+0	Total PTA (days):	657
USPTO Adjustment(days):	+0	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-24-2008	Mail Notice of Allowance	11	
09-16-2008	Document Verification	⌚	
09-16-2008	Notice of Allowance Data Verification Completed	⌚	
09-16-2008	Case Docketed to Examiner in GAU	⌚	
09-15-2008	Examiner's Amendment Communication	⌚	
09-09-2008	Examiner Interview Summary Record (PTOL - 413)	⌚	
07-16-2008	Date Forwarded to Examiner	⌚	
06-13-2008	Response after Non-Final Action		92
06-13-2008	Request for Extension of Time - Granted		⌚
12-13-2007	Mail Non-Final Rejection		⌚
12-10-2007	Non-Final Rejection		
10-18-2007	Date Forwarded to Examiner		
10-18-2007	Date Forwarded to Examiner		
10-10-2007	Request for Continued Examination (RCE)		
10-18-2007	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
10-10-2007	Workflow - Request for RCE - Begin		
09-04-2007	Miscellaneous Incoming Letter		
07-26-2007	PG-Pub Issue Notification		
07-17-2007	Mail Final Rejection (PTOL - 326)		
07-09-2007	Final Rejection		
05-04-2007	Date Forwarded to Examiner		
04-30-2007	Response after Non-Final Action		1
04-17-2007	Rescind Nonpublication Request for Pre Grant Publication		⌚
01-29-2007	Mail Non-Final Rejection		⌚
01-22-2007	Non-Final Rejection		
11-13-2006	Date Forwarded to Examiner		
11-13-2006	Date Forwarded to Examiner		
10-26-2006	Request for Continued Examination (RCE)		
11-13-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
10-26-2006	Workflow - Request for RCE - Begin		

10-05-2006	Mail Advisory Action (PTOL - 303)	
10-02-2006	Advisory Action (PTOL-303)	
09-29-2006	Date Forwarded to Examiner	
09-25-2006	Amendment after Final Rejection	
07-26-2006	Mail Final Rejection (PTOL - 326)	
07-24-2006	Final Rejection	
05-19-2006	Date Forwarded to Examiner	
05-05-2006	Response after Non-Final Action	98
04-13-2006	Mail Notice of Informal or Non-Responsive Amendment	⌘
02-04-2006	Date Forwarded to Examiner	⌘
01-27-2006	Informal or Non-Responsive Amendment after Examiner Action	⌘
01-27-2006	Response after Non-Final Action	⌘
12-02-2005	Correspondence Address Change	
12-02-2005	Change in Power of Attorney (May Include Associate POA)	
10-28-2005	Mail Non-Final Rejection	
10-27-2005	Non-Final Rejection	
08-24-2005	Date Forwarded to Examiner	
08-24-2005	Date Forwarded to Examiner	
08-19-2005	Request for Continued Examination (RCE)	
08-24-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
08-19-2005	Workflow - Request for RCE - Begin	
08-02-2005	Mail Examiner Interview Summary (PTOL - 413)	
07-27-2005	Examiner Interview Summary Record (PTOL - 413)	
05-25-2005	Mail Final Rejection (PTOL - 326)	35
05-24-2005	Final Rejection	⌘
03-18-2005	Date Forwarded to Examiner	⌘
12-20-2004	Response after Non-Final Action	4
03-15-2005	Correspondence Address Change	⌘
12-20-2004	Workflow incoming amendment IFW	⌘
09-16-2004	Mail Non-Final Rejection	806
09-16-2004	Non-Final Rejection	⌘
07-26-2004	Case Docketed to Examiner in GAU	⌘
05-25-2004	IFW TSS Processing by Tech Center Complete	⌘
07-21-2003	Case Docketed to Examiner in GAU	⌘
03-28-2002	Correspondence Address Change	⌘
05-03-2001	Information Disclosure Statement (IDS) Filed	⌘
05-03-2001	Information Disclosure Statement (IDS) Filed	⌘
07-28-2001	Case Docketed to Examiner in GAU	⌘
06-30-2001	Application Dispatched from OIPE	⌘
06-29-2001	Correspondence Address Change	⌘

05-12-2001	IFW Scan & PACR Auto Security Review	⌵
05-03-2001	Initial Exam Team nn	⌵

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